

EXHIBIT A

State of Alabama
Unified Judicial System

Form ARCiv-93 Rev. 5/99

COVER SHEET
CIRCUIT COURT - CIVIL CASE
(Not For Domestic Relations Cases)

Case Number:
41-CV-201

Date of Filing:
09/12/2014



ELECTRONICALLY FILED
9/12/2014 9:46 AM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

GENERAL INFORMATION

IN THE CIRCUIT OF LAUDERDALE COUNTY, ALABAMA
PAMELA E. MCCLURE v. OASIS OUTSOURCING, II, INC.

First Plaintiff: ☐ Business ☒ Individual
☐ Government ☐ Other

First Defendant: ☒ Business ☐ Individual
☐ Government ☐ Other

NATURE OF SUIT:

TORTS: PERSONAL INJURY

- ☐ WDEA - Wrongful Death
☐ TONG - Negligence: General
☐ TOMV - Negligence: Motor Vehicle
☐ TOWA - Wantonnes
☐ TOPL - Product Liability/AEMLD
☐ TOMM - Malpractice-Medical
☐ TOLM - Malpractice-Legal
☐ TOOM - Malpractice-Other
☐ TBFM - Fraud/Bad Faith/Misrepresentation
☐ TOXX - Other: _____

TORTS: PERSONAL INJURY

- ☐ TOPE - Personal Property
☐ TORE - Real Property

OTHER CIVIL FILINGS

- ☐ ABAN - Abandoned Automobile
☐ ACCT - Account & Nonmortgage
☐ APAA - Administrative Agency Appeal
☐ ADPA - Administrative Procedure Act
☐ ANPS - Adults in Need of Protective Services

OTHER CIVIL FILINGS (cont'd)

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture
Appeal/Enforcement of Agency Subpoena/Petition to
Preserve
☐ CVRT - Civil Rights
☐ COND - Condemnation/Eminent Domain/Right-of-Way
☐ CTMP - Contempt of Court
☐ CONT - Contract/Ejectment/Writ of Seizure
☐ TOCN - Conversion
☐ EQND - Equity Non-Damages Actions/Declaratory
Judgment/Injunction Election Contest/Quiet Title/Sale For
Division
☐ CVUD - Eviction Appeal/Unlawful Detainer
☐ FORJ - Foreign Judgment
☐ FORF - Fruits of Crime Forfeiture
☐ MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
☐ PFAB - Protection From Abuse
☐ FELA - Railroad/Seaman (FELA)
☐ RPRO - Real Property
☐ WTEG - Will/Trust/Estate/Guardianship/Conservatorship
☒ COMP - Workers' Compensation
☐ CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F ☒ INITIAL FILING

A ☐ APPEAL FROM
DISTRICT COURT

O ☐ OTHER

R ☐ REMANDED

T ☐ TRANSFERRED FROM
OTHER CIRCUIT COURT

HAS JURY TRIAL BEEN DEMANDED? ☐ Yes ☒ No

RELIEF REQUESTED: ☒ MONETARY AWARD REQUESTED ☐ NO MONETARY AWARD REQUESTED

ATTORNEY CODE: MIT016

9/12/2014 9:46:01 AM

/s/ J WILSON MITCHELL

MEDIATION REQUESTED: ☒ Yes ☐ No ☐ Undecided



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CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

STATE OF ALABAMA

IN THE CIRCUIT COURT

LAUDERDALE COUNTY

CASE NO.

PAMELA E. MCCLURE.

Plaintiff.

v.

OASIS OUTSOURCING, II, INC.,)
and defendants "A", "B",)
"C", said defendants "A", "B" and)
"C" being the correct legal designation)
of Oasis Outsourcing, II, Inc. and/or being)
the correct legal designation of the)
employer of plaintiff on or about January)
22, 2012, for on or about any)
period of time material herein,)
including the date of injury forming)
the basis of this Worker's Compensation)
action, and being the person, firm or)
corporation who wrongfully terminated)
plaintiff forming the basis of Count Two)
herein, whose names are otherwise)
unknown to plaintiff but will be added)
by amendment hereto when ascertained.)
Defendants.)

COMPLAINT

COUNT ONE - WORKER'S COMPENSATION BENEFITS

1. Plaintiff Pamela E. McClure is a resident citizen of Lauderdale County, Alabama, and is over the age of nineteen (19) years.
2. Defendant Oasis Outsourcing, II, Inc. is, upon information and belief, a foreign corporation regularly conducting business in the state of Alabama as Holiday Inn Express at 101 Etta Gray Street, Florence, Alabama.
3. Defendants "A", "B" and "C" being the correct legal designation of

defendant Oasis Outsourcing, IL, Inc., and/or being the correct legal designation of the employer of plaintiff on or about January 22, 2012 and/or July 1, 2014, and/or for an or about any period of time material herein, including the date of injury forming the basis of this Worker's Compensation action, and being the person, firm or corporation who wrongfully terminated plaintiff forming the basis of Count Two herein, whose names are otherwise unknown to plaintiff but will be added by amendment hereto when ascertained.

4. On or about January 22, 2012, while in the line and scope of her employment with defendant, plaintiff sustained an on the job injury, including, but not limited to right shoulder, requiring medical treatment, and surgery on or about September 13, 2012, and will require future medical treatment, future surgery, causing permanent, partial disability, and/or causing plaintiff permanent total disability, and/or causing plaintiff diminished capacity to the body as a whole.

5. While working for defendant, plaintiff had an average weekly wage of \$236.58.

6. As a direct and proximate consequence of the said work related injury, plaintiff has been caused to suffer permanent diminished ability to her right shoulder, her right arm, her left shoulder, her left arm, her neck, spine, and suffered permanent substantial adverse consequences to the body as a whole.

7. As a direct and proximate consequence of said injuries, that plaintiff sustained herein, plaintiff is now, and continues to be temporarily and totally disabled and/or permanently and partially disabled and/or permanently totally disabled.

8. Defendant received actual notice of said work related injury, and is paying for and has paid for medical treatment and surgery for same, and defendant has been paid

temporary total disability payments, for six to eight weeks following the September 13, 2012 surgery to plaintiff's right shoulder.

9. THEREFORE, plaintiff prays for the following relief:

(A) That this Honorable Court will authorize and confirm the employment of J. Wilson Mitchell of the firm of Mitchell, Burdine & Bernauer as attorney for plaintiff and will accept this verified pleading as the sworn testimony of plaintiff for the relief prayed for; and

(B) That this Honorable Court will award plaintiff from defendant Oasis Outsourcing, II, Inc. "A", "B" and "C":

- (1) Unpaid temporary total disability benefits due;
- (2) Permanent partial disability benefits due;
- (3) Permanent total disability benefits due;
- (4) Payments for medical benefits past, present and future;
- (5) Payment for vocational rehabilitation; and
- (6) For such other, further, or different relief as to which plaintiff may be entitled under the Worker's Compensation Laws of the State of Alabama, plus interest, costs, and a reasonable attorney's fee.

COUNT TWO - WRONGFUL TERMINATION

10. Plaintiff reasserts Paragraphs 1-9 as though fully set out herein and in addition thereto asserts the following:

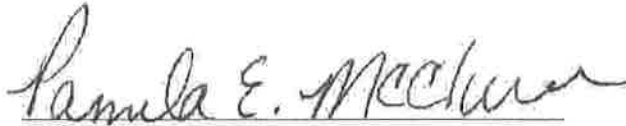
11. On or about July 1, 2014 defendant unlawfully terminated the employment of plaintiff with defendant in violation of Alabama Code Section 25-5-11.1.

12. As a proximate consequence of the unlawful and/or wrongful termination

plaintiff suffered the loss of income, the loss of employment, and will so suffer into the future, suffered the loss of benefits, and will suffer into the future, and suffered mental anguish, emotional distress, and other damages, according to proof.

13. THEREFORE, plaintiff demands judgment against defendant Onsis Outsourcing, L. Inc. "A", "B" and "C" in an amount to be determined by the trier of fact herein said amount to be in excess of the jurisdictional requirements of this Honorable Court, as both compensatory and punitive damages, plus interest, costs, an attorney's fee, and for such other, further, or different relief as to which plaintiff is entitled.

Respectfully submitted,


Pamela E. McClure

Sworn to and subscribed before me on this the 11th day of September, 2014.


Notary Public
My Commission Expires 1-7-18

DOCUMENT 2



J. Wilson Mitchell
Attorney for plaintiff

MITCHELL, BURDINE & BERNAUER
1995 Bruin Drive
Florence, AL 35630
(256) 767-4900



ELECTRONICALLY FILED
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41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

STATE OF ALABAMA

IN THE CIRCUIT COURT

LAUDERDALE COUNTY

CASE NO.

PAMELA E. MCCLURE,

Plaintiff,

v.

**OASIS OUTSOURCING, II,
INC., et al.**

Defendants.

**FIRST INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT OASIS OUTSOURCING, II, INC.**

Comes now plaintiff Pamela E. McClure and propounds the following First Interrogatories to be responded to in conformity with the Alabama Rules of Civil Procedure:

1. State whether or not the injuries alleged by plaintiff herein are covered under the Workman's Compensation Laws of the State of Alabama, and if not state the reason for same.
2. Was plaintiff your employee under a contract of hire, written or implied, as alleged in the Complaint?
3. If your answer to Interrogatory #2 is in the negative, state in detail your reasons for denying that plaintiff was an employee.
4. Based on your records state:
 - (a) Plaintiff's gross earnings for the fifty-two (52) weeks prior to the date of plaintiff's termination, or plaintiff's last date employed by defendant.
5. Specify the "average weekly earnings" that you contend plaintiff had on

the last day plaintiff was last employed by defendant, and explain how the figure was calculated.

6. State whether plaintiff was given any physical examination in connection with his employment by you prior to the date of plaintiff's termination or date last employed by defendant. If so, as to each examination state the date, the name and address of the examining physician, describe any written report, record or memoranda prepared in connection with the examination, and the name, address and job classification of the person having custody of the documents.

7. Do you or your lawyers have in your possession or custody any report or records from any hospitals or doctors concerning examinations or treatment of plaintiff prior to the date of plaintiff's termination or date last employed? If so, state the name of the physician or hospital preparing the report or records, the date, and the findings.

8. To your knowledge or to that of your lawyer, did plaintiff ever suffer any non-work related injuries to the part or function of the body claimed in this suit to have been injured? If so, when and what was the nature of the injury.

9. To your knowledge, or that of your lawyer, was plaintiff ever examined or treated for a disability to the parts of his body alleged in this suit to have been injured. If so, when where and by whom.

10. Did plaintiff suffer a work related injury as alleged in the Complaint. If no, state in detail the reasons for your denial.

11. Did plaintiff's injury as alleged in the Complaint arise out of plaintiff's employment with defendant? If not, state in detail the reasons for your denial.

12. State when the injury, as alleged in the Complaint, first came to the

attention of defendant or any representative of defendant, by whom it was reported, to whom it was reported, and defendant is requested to make production of copies of any incident reports or reports of accidents filed by or for plaintiff.

13. Is this defendant correctly named in the Complaint. If not, state its full correct legal name.

14. State why plaintiff's employment with defendant was terminated, and list the names of all people involved in that decision.

15. State why plaintiff was not allowed to return to work with defendant, and list the names of all people involved in that decision.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All documents identified in response to these interrogatories.
2. All manuals, personnel documents, or guidelines which describe practices, policies, procedures, rules or criteria used in hiring, job qualifications, discipline or discharge which were in effect during the time plaintiff was employed with defendant.
3. Copies or job descriptions of all positions held by plaintiff with defendant.
4. Copies of the personnel files of plaintiff, this request includes any secondary personnel files, worker's compensation files, suspense files, employee files, evaluation files, medical files, health insurance files, FMLA files, emails, or any other files containing personal information as to plaintiff.
5. Copies of all payroll records regarding plaintiff including but not limited to time sheets, W-2's and 1099's.

Respectfully submitted,



J. Wilson Mitchell (MITCHELL)
Attorney for plaintiff
Pamela E. McClure

MITCHELL, BURDINE & BERNAUER
1905 Bruin Drive
Florence, AL 35630
(256) 767-4900

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has served with the Complaint herein.



J. Wilson Mitchell

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 41-CV-2014-900414.00
-----------------------------------------------------------------------	------------------------------------	---------------------------------------------

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY
 PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.

OASIS OUTSOURCING, II, INC., C/O CORPORATION COMPANY 2000 INTERSTATE PARK DR., MONTGOMERY, AL 36109

NOTICE TO _____

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY J WILSON MITCHELL

WHOSE ADDRESS IS 1905 Bruin Drive, FLORENCE, AL 35630

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☒ Service by certified mail of this summons is initiated upon the written request of PAMELA E. MCCLURE

pursuant to the Alabama Rules of the Civil Procedure

Date 9/12/2014 9:46:01 AM /s/ MISSY HOMAN HIBBETT

Clerk/Register

200 SOUTH COURT STREET

FLORENCE, AL 35630

☒ Certified Mail is hereby requested /s/ J WILSON MITCHELL

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

_____ in _____ County, Alabama on _____ (Date)

Date _____	Server's Signature _____	Address of Server _____
Type of Server _____	Server's Printed Name _____	Phone Number of Server _____

DOCUMENT 5

TO:

Oasis Outsourcing, II, Inc.
C/O Corporation Company
2000 Interstate Park Dr.
Montgomery, AL 36109

SENDER:**REFERENCE:**

CV14-900414 D001

9314 7699 0430 0006 4208 85

PS Form 3800, January 2005

**RETURN
RECEIPT
SERVICE**

Postage

0.90

Certified Fee

3.50

Return Receipt Fee

2.70

Restricted Delivery

20.00

Total Postage & Fees

6.90

USPS®
Receipt for
Certified Mail™

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

MONTGOMERY, AL 36109

DOCUMENT 6

TO:

Coventry Healthcare
PO Box 7374
London, KY 40742

SENDER:**REFERENCE:**

CV14-900414 Subp.

9314 7699 0430 0006 4212 64

PS Form 3800, January 2005

**RETURN
RECEIPT
SERVICE**

Postage

Certified Fee

Return Receipt Fee

Restricted Delivery

Total Postage & Fees

0.90

3.30

2.70

0.00

6.90

USPS®**Receipt for
Certified Mail™**

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

CERTIFIED MAIL



9314 7699 0430 0006 4208 85

RETURN RECEIPT REQUESTED

UAK

NIXIE 352 DE 1300 0009/23/14

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 35631077676 *2375-04567-22-22

356310776

Missy Homan Hibbett

Circuit Court Clerk

P.O. Box 776

Florence, AL 35631-0776



Oasis Outsourcing, II, Inc.

C/O Corporation Company

2000 Interstate Park Dr.

Montgomery, AL 36109

Filed in Office

Thank you for using Return Receipt Service

SEP 23 2014

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

☒ Yes
☐ No

D. Is delivery address different from item 1?
If YES, enter delivery address below:

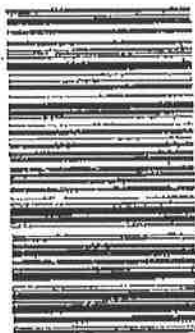
James Mitchell

Reference Information

CV14-900414 DOG

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF RETURN ADDRESS. FOLD AT DOTTED LINE

2. Article Number



9314 7699 0430 0006 4208 85

3. Service Type CERTIFIED MAIL®

4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Addressed to:

Oasis Outsourcing, II, Inc.
C/O Corporation Company
2000 Interstate Park Dr.
Montgomery, AL 36109

Domestic Return Receipt

PS Form 3811, January 2005

RETURN RECEIPT REQUESTED
USPS® MAIL CARRIER
DETACH ALONG PERFORATION

Thank you for using Return Receipt Service



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2/16/2015 1:44 PM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

STATE OF ALABAMA

IN THE CIRCUIT COURT

LAUDERDALE COUNTY

CASE NO.

PAMELA E. MCCLURE,

Plaintiff,

OASIS OUTSOURCING, II, INC.,
and defendants "A", "B",
"C", said defendants "A", "B" and
"C" being the correct legal designation
of Oasis Outsourcing, II, Inc. and/or being
the correct legal designation of the
employer of plaintiff on or about January
22, 2012, for on or about any
period of time material herein,
including the date of injury forming
the basis of this Worker's Compensation
action; and being the person, firm or
corporation who wrongfully terminated
plaintiff forming the basis of Claim Two
herein, whose names are otherwise
unknown to plaintiff but will be added
by amendment herein when ascertained.

Defendants.

COMPLAINT

COUNT ONE - WORKER'S COMPENSATION BENEFITS

1 Plaintiff Pamela E. McClure is a resident citizen of Lauderdale County, Alabama, and is over the age of nineteen (19) years.

2 Defendant Oasis Outsourcing, II, Inc. is, upon information and belief, a Georgia corporation regularly conducting business in the state of Alabama as through its Express 801 East Gray Street, Florence, Alabama.

3 Defendants "A", "B" and "C" being the correct legal designation of

defendant Quays Outsourcing, IL, Inc., and/or being the correct legal designation of the employer of plaintiff on or about January 22, 2012 and/or July 1, 2014, and/or for on or about any period of time material herein, including the date of injury forming the basis of this Worker's Compensation action, and being the person, firm or corporation who wrongfully terminated plaintiff forming the basis of Count Two herein, whose names are otherwise unknown to plaintiff but will be added by amendment hereto when ascertained.

4. On or about January 22, 2012, while in the line and scope of her employment with defendant, plaintiff sustained an on the job injury, including, but not limited to right shoulder, requiring medical treatment, and surgery on or about September 13, 2012, and will require future medical treatment, future surgery, causing permanent partial disability, and/or causing plaintiff permanent total disability, and/or causing plaintiff diminished capacity in the body as a whole.

5. While working for defendant, plaintiff had an average weekly wage of \$236.58.

6. As a direct and proximate consequence of the said work related injury, plaintiff has been caused to suffer permanent diminished ability in her right shoulder, her right arm, her left shoulder, her left arm, her neck, spine, and suffered permanent substantial adverse consequences in the body as a whole.

7. As a direct and proximate consequence of said injuries, that plaintiff sustained herein, plaintiff is now, and continues to be temporarily and totally disabled and/or permanently and partially disabled and/or permanently totally disabled.

8. Defendant received actual notice of said work related injury, and is paying for and has paid for medical treatment and surgery for same, and defendant has been paid

temporary total disability payments, for six to eight weeks following the September 13,

2013 surgery to plaintiff's right shoulder.

9. THEREFORE plaintiff prays for the following relief:

(A) That this Honorable Court will authorize and confirm the employment of J. Wilson Mitchell of the firm of Mitchell, Burdino & Bernauer as attorney for plaintiff and will accept this verified pleading as the sworn testimony of plaintiff for the relief prayed for; and

(B) That this Honorable Court will award plaintiff from defendant Oasis Outsourcing, II, Inc. "A", "B" and "C":

- (1) Unpaid temporary total disability benefits due;
- (2) Permanent partial disability benefits due;
- (3) Permanent total disability benefits due;
- (4) Payments for medical benefits past, present and future;
- (5) Payment for vocational rehabilitation; and
- (6) For such other, further, or different relief as to which plaintiff may be entitled under the Worker's Compensation Laws of the State of Alabama; plus interest, costs, and a reasonable attorney's fee.

COUNT TWO - WRONGFUL TERMINATION

10. Plaintiff reasserts Paragraphs 1-9 as though fully set out herein and in addition therein asserts the following:

11. On or about July 1, 2014 defendant unlawfully terminated the employment of plaintiff with defendant in violation of Alabama Code Section 25-5-11.1.

12. As a proximate consequence of the unlawful and/or wrongful termination

plaintiff suffered the loss of income, the loss of employment, and will in suffer into the future; suffered the loss of benefits, and will suffer into the future; and suffered mental anguish, emotional distress, and other damages according to proof.

15. **INTEREST** plaintiff demands judgment against defendant Dosis Damages, I. in the "A", "B" and "C" in an amount to be determined by the trial of fact before said court to fit in cases of the jurisdictional requirements of this Honorable Court, as both compensatory and punitive damages, plus interest over an attorney's fee; and for such other, further or different relief as in which plaintiff is entitled.

Respectfully submitted,


Pamela E. McClure

Sworn to and subscribed before me on this 11th day of September, 2014.


Notary Public
My Commission Expires 1-9-18



J. Wilson Mitchell
Attorney for plaintiff

MITCHELL, BURDINE & BERNARD
1005 Brown Drive
Florence, AL 35630
(256) 767-4000



ELECTRONICALLY FILED
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CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK
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STATE OF ALABAMA

IN THE CIRCUIT COURT

LAUDERDALE COUNTY

CASE NO.

PAMELA E. MCCLURE

Plaintiff,

OASIS OUTSOURCING, II,
INC., et al.

Defendants.

**FIRST INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT OASIS OUTSOURCING, II, INC.**

Comes now plaintiff Pamela E. McClure and prays the following First Interrogatories to be responded to in accordance with the Alabama Rules of Civil Procedure:

1. State whether or not the injuries alleged by plaintiff herein are covered under the Workmen's Compensation Laws of the State of Alabama, and if not state the reason for same.

2. Was plaintiff your employee under a contract of hire, written or implied, as alleged in the Complaint?

3. If your answer to Interrogatory #2 is in the negative, state in detail your reason for denying that plaintiff was an employee.

4. Based on your records, state:

a. Plaintiff's gross earnings for the fifty-two (52) weeks prior to the date of plaintiff's termination, or plaintiff's last date employed by defendant.

5. Specify the average weekly workdays that you understand plaintiff had on

the last day plaintiff was last employed by defendant, and explain how the figure was calculated.

6. State whether plaintiff was given any physical examination in connection with his employment by you prior to the date of plaintiff's termination or date last employed by defendant. If so, as to each examination state the date, the name and address of the examining physician, describe any written report, record or memoranda prepared in connection with the examination, and the name, address and job classification of the person having custody of the documents.

7. Do you or your lawyers have in your possession or custody any report or records from any hospitals or doctors concerning examinations or treatment of plaintiff prior to the date of plaintiff's termination or date last employed? If so, state the name of the physician or hospital preparing the report or records, the date, and the findings.

8. To your knowledge or to that of your lawyer, did plaintiff ever suffer any non-work related injuries to the part or function of the body claimed in this suit to have been injured? If so, when and what was the nature of the injury.

9. To your knowledge, or that of your lawyer, was plaintiff ever examined or treated for a disability to the parts of his body alleged in this suit to have been injured. If so, when, where and by whom.

10. Did plaintiff suffer a work-related injury as alleged in the Complaint. If not, state in detail the reasons for your denial.

11. Did plaintiff's injury as alleged in the Complaint arise out of plaintiff's employment with defendant? If not, state in detail the reasons for your denial.

12. State when the injury, as alleged in the Complaint, first came to the

attorney of defendant or any representative of defendant, by whom it was reported, to whom it was reported, and defendant is requested to make production of copies of any incident reports or reports of accidents filed by or for plaintiff.

13. Is this defendant correctly named in the Complaint. If not, state its full correct legal name.

14. State why plaintiff's employment with defendant was terminated, and list the names of all people involved in that decision.

15. State why plaintiff was not allowed to return to work with defendant, and list the names of all people involved in that decision.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All documents identified in response to these interrogatories.

2. All manuals, personnel documents, or guidelines which describe practices, policies, procedures, rules or criteria used in hiring, job qualifications, discipline or discharge which were in effect during the time plaintiff was employed with defendant.

3. Copies or job descriptions of all positions held by plaintiff with defendant.

4. Copies of the personnel files of plaintiff. this request includes any secondary personnel files, worker's compensation files, suspension files, employee files, evaluation files, medical files, health insurance files, FMLA files, emails, or any other files containing personal information as to plaintiff.

5. Copies of all payroll records regarding plaintiff including but not limited to time sheets, W-2's and 1099's.

Respectfully submitted,



J. Wilson Mitchell (MATT016)
Attorney for plaintiff
Pamela E. McClure

MITCHELL, BURDINE & BERNAUER
1905 Bruin Drive
Florence, AL 35630
(256) 767-4900

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing be served with the Complaint herein.



J. Wilson Mitchell

State of Alabama
Unified Judicial System
Form C-34 Rev 6/88

**SUMMONS
- CIVIL -**

Case Number:
41-CV-2014-900414.00

**IN THE CIRCUIT COURT OF LAUDERDALE COUNTY
PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.**

OASIS OUTSOURCING, II, INC., STE 300 2054 VISTA PKWY, WEST PALM BEACH, FL 33411

NOTICE TO

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY J WILSON MITCHELL

WHOSE ADDRESS IS 1905 Bruin Drive, FLORENCE, AL 35630

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☒ Service by certified mail of this summons is initiated upon the written request of MCCLURE PAMELA E.
pursuant to the Alabama Rules of the Civil Procedure

Date 2/16/2015 1:44:11 PM /s/ MISSY HOMAN HIBBETT

Clerk/Register
200 SOUTH COURT STREET
FLORENCE, AL 35630

☒ Certified Mail is hereby requested

/s/ J WILSON MITCHELL

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

_____ in _____ County, Alabama on _____ (Date)

Date

Server's Signature

Address of Server

Type of Server

Server's Printed Name

Phone Number of Server

TO:

Oasis Outsourcing, II, Inc.
 STE 300 2054 Vista Pkwy.
 West Palm Beach, FL 33411

SENDER:**REFERENCE:**

CV14-900414 D001

PS Form 3800, January 2005

**RETURN
 RECEIPT
 SERVICE**

Postage

Certified Fee

Return Receipt Fee

Restricted Delivery

Total Postage & Fees

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3.30

2.70

0.00

6.90

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2. Article Number

9314 7699 0430 0010 8499 55

3. Service Type CERTIFIED MAIL®**4. Restricted Delivery? (Extra Fee)**☐ Yes**1. Article Addressed to:**

Oasis Outsourcing, ll, Inc.
 STE 300 2054 Vista Pkwy.
 West Palm Beach, FL 33411

COMPLETE THIS SECTION ON DELIVERY**A. Received by (Please Print Clearly)****B. Date of Delivery****C. Signature**
D. Is delivery address different from item 1? If YES, enter delivery address below:
☒ Agent
☐ Addressee

☐ Yes
☐ No

James Mitchell

Reference Information

CU14-906414 0001

PS Form 3811, January 2005

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DOCUMENT 12

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Missy Homan Hibbett
Circuit Court Clerk
P.O. Box 795
Florence, AL 35631-0795

Filed in 01
MAR 03 2015

Missy Hibbett

Missy Homan Hibbett
Circuit Court Clerk
P.O. Box 795
Florence, AL 35631-0795



ELECTRONICALLY FILED
4/9/2015 10:57 AM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. CV-2014-900414-GPS
)	
OASIS OUTSOURCING, II, INC., <i>et al.</i> ,)	
)	
Defendants.)	

NOTICE OF APPEARANCE

Comes now D. Edward Starnes, III of the law firm of Lanier, Ford, Shaver & Payne, P.C.,
and hereby enters his appearance as counsel for the defendant in the above-referenced matter.

D. Edward Starnes, III (STA011)

Attorney for the Defendant
Oasis Outsourcing, II, Inc.

LANIER FORD SHAVER & PAYNE P.C.
2101 West Clinton Avenue, Suite 102
P. O. Box 2087 [35804]
Huntsville, Alabama 35805
(256) 535-1100
Fax: (256) 533-9322
des@lanierford.com

CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the Alabama Judicial System electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record who are not registered for electronic filing have been served by mail by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to them as follows, on this the 9th day of April, 2015:

J. Wilson Mitchell
SUTTLE MITCHELL & BURDINE
1905 Bruin Drive
Florence, Alabama 35630



Of Counsel



AlaFile E-Notice

41-CV-2014-900414.00

To: D. EDWARD STARNES III
des@lanierford.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following NOTICE OF APPEARANCE was FILED on 4/9/2015 10:57:41 AM

Notice Date: 4/9/2015 10:57:41 AM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



AlaFile E-Notice

41-CV-2014-900414.00

To: MITCHELL JAMES WILSON
jwm82256@aol.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following NOTICE OF APPEARANCE was FILED on 4/9/2015 10:57:41 AM

Notice Date: 4/9/2015 10:57:41 AM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

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DOCUMENT 15

STATE OF ALABAMA

Unified Judicial System

Revised 3/5/08

Case



ELECTRONICALLY FILED

4/9/2015 11:02 AM

41-CV-2014-900414.00

CIRCUIT COURT OF

LAUDERDALE COUNTY, ALABAMA

MISSY HOMAN HIBBETT, CLERK

41-LAUDERDALE

☐ District Court☒ Circuit Court

CV20

PAMELA E. MCCLURE V. OASIS OUTSOURCING,
II, INC.**CIVIL MOTION COVER SHEET**

Name of Filing Party: D001 - OASIS OUTSOURCING, II, INC.

Name, Address, and Telephone No. of Attorney or Party. If Not Represented,

D. EDWARD STARNES III

2101 W. Clinton Ave., Suite 102

HUNTSVILLE, AL 35805

Attorney Bar No.: STA011

☐ Oral Arguments Requested**TYPE OF MOTION****Motions Requiring Fee**☐ Default Judgment (\$50.00)

Joinder in Other Party's Dispositive Motion (i.e.

☐ Summary Judgment, Judgment on the Pleadings, or
other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)☐ Judgment on the Pleadings (\$50.00)☐ Motion to Dismiss, or in the Alternative Summary
Judgment(\$50.00)

Renewed Dispositive Motion(Summary Judgment,

☐ Judgment on the Pleadings, or other Dispositive
Motion not pursuant to Rule 12(b)) (\$50.00)☐ Summary Judgment pursuant to Rule 56(\$50.00)☐ Motion to Intervene (\$297.00)☐ Other

pursuant to Rule (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.☐ Local Court Costs \$ 0.00**Motions Not Requiring Fee**☐ Add Party☐ Amend☐ Change of Venue/Transfer☐ Compel☐ Consolidation☐ Continue☐ Deposition☐ Designate a Mediator☐ Judgment as a Matter of Law (during Trial)☐ Disburse Funds☐ Extension of Time☐ In Limine☐ Joinder☐ More Definite Statement☐ Motion to Dismiss pursuant to Rule 12(b)☐ New Trial☐ Objection of Exemptions Claimed☐ Pendente Lite☐ Plaintiff's Motion to Dismiss☐ Preliminary Injunction☐ Protective Order☐ Quash☐ Release from Stay of Execution☐ Sanctions☐ Sever☐ Special Practice in Alabama☐ Stay☐ Strike☐ Supplement to Pending Motion☐ Vacate or Modify☐ Withdraw☒ Other Motion for HIPAA Order
pursuant to Rule 45 C.F.R. (Subject to Filing Fee)

Section

Check here if you have filed or are filing
contemporaneously with this motion an Affidavit of
Substantial Hardship or if you are filing on behalf of an
agency or department of the State, county, or municipal
government. (Pursuant to §6-5-1 Code of Alabama
(1975), governmental entities are exempt from
prepayment of filing fees) ☐

Date:

4/9/2015 11:00:21 AM

Signature of Attorney or Party:

/s/ D. EDWARD STARNES III

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



ELECTRONICALLY FILED
4/9/2015 11:02 AM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. CV-2014-900414-GPS
)	
OASIS OUTSOURCING, II, INC., <i>et al.</i> ,)	
)	
Defendants.)	

**MOTION FOR HIPAA ORDER
PURSUANT TO 45 C.F.R. § 164.512(3)**

COMES NOW, Oasis Outsourcing, II, Inc., the defendant in the above-referenced action, and requests that this Honorable Court enter, pursuant to 45 C.F.R. § 164.512(e)(1), a HIPAA Order, allowing defendant to obtain information from plaintiff's health care providers and health care plans. In support of this motion, the defendant states as follows:

1. The plaintiff's medical condition and his medical expenses are at issue in this litigation. In his complaint, the plaintiff has alleged to have sustained injuries and incurred medical treatment and costs as a result of the defendant's conduct.

2. The defendant is entitled to issue subpoenas and/or requests for medical records, pursuant to *Ala. Code* §§ 25-5-77 (1975) and 25-5-81 (1975), to the plaintiff's health care providers and health care plans requesting information and documentation regarding the plaintiff's medical records and charges for medical treatment.

3. The defendant anticipates that the plaintiff's health care providers and health care plans are subject to the privacy requirements set forth at 45 C.F.R. § 164.512 and are prohibited from

disclosing information regarding the plaintiff absent a HIPAA Order pursuant to 45 C.F.R. § 164.512(e)(1).

4. The defendant asserts should this Honorable Court enter a HIPAA Order, any information the defendant receives from the plaintiff's health care providers and/or health care plans will exclusively be used and disclosed only for the purpose of this litigation and said information and documentation will either be returned or destroyed at the end of this litigation.

WHEREFORE, PREMISES CONSIDERED, the defendant respectfully requests this Honorable Court enter a HIPAA Order pursuant to 45 C.F.R. § 164.512(e)(1) authorizing the plaintiff's health care providers and health care plans to disclose protected health information to the parties for the purposes of this litigation.



D. Edward Starnes, III (STA011)
Travis S. Jackson (JAC093)

Attorneys for the Defendant
Oasis Outsourcing, II, Inc.

LANIER FORD SHAVER & PAYNE P.C.
2101 West Clinton Avenue, Suite 102
P. O. Box 2087 [35804]
Huntsville, Alabama 35805
(256) 535-1100
Fax: (256) 533-9322
des@lanierford.com
tsj@lanierford.com

CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the Alabama Judicial System electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record who are not registered for electronic filing have been served by mail by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to them as follows, on this the 9th day of April, 2015:

J. Wilson Mitchell
SUTTLE MITCHELL & BURDINE
1905 Bruin Drive
Florence, Alabama 35630



Of Counsel



ELECTRONICALLY FILED
4/9/2015 11:02 AM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

MCCLURE PAMELA E.

Plaintiff,

V.

OASIS OUTSOURCING, II, INC.

Defendant.

Case No.: CV-2014-900414.00

HIPAA ORDER

1. Upon compliance with Rule 45 of the Alabama Rules of Civil Procedure, the attorneys for the parties and any *pro se* parties to this lawsuit are permitted to inspect and copy all health information relating to any individual who is a party to this cause, or any decedent or other real party in interest, who is represented by an executor, administrator, guardian, next friend, bailee or trustee, and to inspect and copy all information relative to payment for the provision of medical care to any such individual. Subject to the provisions of Rule 26 of the Alabama Rules of Civil Procedure pertaining to the scope and limits of discovery, the attorneys for the parties to the lawsuit may request an interview with any health care providers, health plan administrators, or other individuals in connection with the aforementioned health information and payments therefor (such information collectively referred to hereinafter as "(Protected Health Information)"). **Such health care provider, health plan administrator, or other individual may grant or deny a request for an interview.**

2. **This Order authorizes any third party who is provided with a subpoena requesting the production of documents or commanding attendance at a deposition or trial to disclose Protected Health Information in response to such request or subpoena. This Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").**

3. Nothing in this Order shall be deemed to relieve any party or attorney of the

requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits the disclosure of confidential communications which are protected under Alabama law for attorneys at law, psychiatrists, psychologists or otherwise.

4. Nothing in this Order shall be construed to authorize any party or attorney for any party to release, exchange, submit, disclose or share any Protected Health Information with any other person or any other entity, other than an agent, employee or business associate of the attorney or party, or other attorneys in this case.

5. At the conclusion of this action and at the written request of an individual whose Protected Health Information has been disclosed, or such individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party or destroy all documents and all copies thereof containing the Protected Health Information received pursuant to this Order.

6. This Order shall not be effective until fifteen (15) days following its issuance.

DONE this [To be filled by the Judge].

/s/[To be filled by the Judge]

CIRCUIT JUDGE



AlaFile E-Notice

41-CV-2014-900414.00

Judge: GILBERT P SELF

To: D. EDWARD STARNES III
des@lanierford.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following matter was FILED on 4/9/2015 11:02:21 AM

D001 OASIS OUTSOURCING, II, INC.

MOTION FOR HIPAA ORDER

[Filer: STARNES DEWEY EDWARD III]

Notice Date: 4/9/2015 11:02:21 AM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



AlaFile E-Notice

41-CV-2014-900414.00

Judge: GILBERT P SELF

To: MITCHELL JAMES WILSON
jwm82256@aol.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following matter was FILED on 4/9/2015 11:02:21 AM

D001 OASIS OUTSOURCING, II, INC.

MOTION FOR HIPAA ORDER

[Filer: STARNES DEWEY EDWARD III]

Notice Date: 4/9/2015 11:02:21 AM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



ELECTRONICALLY FILED
4/9/2015 12:47 PM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

MCCLURE PAMELA E.,)	
Plaintiff,)	
)	
V.)	Case No.: CV-2014-900414.00
)	
OASIS OUTSOURCING, II, INC.,)	
Defendant.)	

HIPAA ORDER

1. Upon compliance with Rule 45 of the Alabama Rules of Civil Procedure, the attorneys for the parties and any *pro se* parties to this lawsuit are permitted to inspect and copy all health information relating to any individual who is a party to this cause, or any decedent or other real party in interest, who is represented by an executor, administrator, guardian, next friend, bailee or trustee, and to inspect and copy all information relative to payment for the provision of medical care to any such individual. Subject to the provisions of Rule 26 of the Alabama Rules of Civil Procedure pertaining to the scope and limits of discovery, the attorneys for the parties to the lawsuit may request an interview with any health care providers, health plan administrators, or other individuals in connection with the aforementioned health information and payments therefor (such information collectively referred to hereinafter as "(Protected Health Information)"). **Such health care provider, health plan administrator, or other individual may grant or deny a request for an interview.**

2. **This Order authorizes any third party who is provided with a subpoena requesting the production of documents or commanding attendance at a deposition or trial to disclose Protected Health Information in response to such request or subpoena. This**

Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

3. Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits the disclosure of confidential communications which are protected under Alabama law for attorneys at law, psychiatrists, psychologists or otherwise.

4. Nothing in this Order shall be construed to authorize any party or attorney for any party to release, exchange, submit, disclose or share any Protected Health Information with any other person or any other entity, other than an agent, employee or business associate of the attorney or party, or other attorneys in this case.

5. At the conclusion of this action and at the written request of an individual whose Protected Health Information has been disclosed, or such individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party or destroy all documents and all copies thereof containing the Protected Health Information received pursuant to this Order.

6. This Order shall not be effective until fifteen (15) days following its issuance.

DONE this 9th day of April, 2015.

/s/ GILBERT P SELF
CIRCUIT JUDGE



AlaFile E-Notice

41-CV-2014-900414.00

Judge: GILBERT P SELF

To: MITCHELL JAMES WILSON
jwm82256@aol.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

A court action was entered in the above case on 4/9/2015 12:47:31 PM

ORDER

[Filer:]

Disposition: GRANTED
Judge: GPS

Notice Date: 4/9/2015 12:47:31 PM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



AlaFile E-Notice

41-CV-2014-900414.00

Judge: GILBERT P SELF

To: STARNES DEWEY EDWARD III
des@lanierford.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

A court action was entered in the above case on 4/9/2015 12:47:31 PM

ORDER

[Filer:]

Disposition: GRANTED
Judge: GPS

Notice Date: 4/9/2015 12:47:31 PM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



ELECTRONICALLY FILED
4/21/2015 10:46 AM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE,)	
)	
Plaintiff,)	
)	
v,)	Civil Action No. CV-2014-900414-GPS
)	
OASIS OUTSOURCING, II, INC., <i>et al.</i> ,)	
)	
Defendants.)	

ANSWER

COMES NOW the defendant identified as "Oasis Outsourcing, II, Inc.," and for answer to the complaint filed by the plaintiff, says as follows:

1. As to the allegations of paragraph 1, the defendant admits that the plaintiff is an adult individual residing in Alabama.
2. Defendant admits that it does business in Lauderdale County, Alabama.
3. No response is required by this defendant to the averments in paragraph 3 of the Complaint; to the extent that a response is required, the averments are denied.
4. The averments of paragraph 4 of the Complaint are denied.
5. The averments of paragraph 5 of the Complaint are admitted.
6. The averments of paragraph 6 of the Complaint are denied.
7. The averments of paragraph 7 of the Complaint are denied.
8. Defendant avers that it provided medical treatment and compensation payments to plaintiff pursuant to *Ala. Code* § 25-5-56 (1975), without admission of liability.

9. No response is required to the averments of paragraph 9 of the Complaint; to the extent a response is required, the averments are denied. Defendant is without knowledge regarding plaintiff's claim for vocational rehabilitation.

COUNT TWO - WRONGFUL TERMINATION

10. Defendant adopts and reasserts its to paragraphs 1-9 of the Complaint as if fully set forth herein.

11. The averments of paragraph 11 of the Complaint are denied.

12. The averments of paragraph 12 of the Complaint are denied.

13. No response is required to the averments of paragraph 13 of the Complaint; to the extent a response is required, the averments are denied.

Denial of Allegations Not Expressly Admitted

To the extent not specifically admitted or otherwise responded to above, defendant denies each and every allegation of each and every paragraph of plaintiff's complaint.

Additional Defenses

Defendant hereby states the following additional defenses to the complaint, but does not assume the burden of proof on any such defenses except as required by applicable law with respect to a particular defense asserted.

FIRST DEFENSE

Defendant denies that plaintiff sustained injuries caused by accidents arising out of and in the course of her employment, and denies that plaintiff is entitled to benefits under the Alabama Workers' Compensation Act.

SECOND DEFENSE

Defendant denies that the plaintiff sustained any “accidents” as defined by *Ala. Code* § 25-5-1(7) (1975).

THIRD DEFENSE

Defendant denies that the plaintiff sustained any “injuries” as defined by *Ala. Code* § 25-5-1(9) (1975).

FOURTH DEFENSE

Defendant avers that plaintiff’s alleged “injuries” are a non-compensable pre-existing “disease” which did not result naturally and unavoidably from the alleged “accidents.”

FIFTH DEFENSE

Defendant denies that any alleged injury was proximately caused, either legally or medically, by a compensable accident.

SIXTH DEFENSE

Defendant avers that it is entitled to a credit and/or offset for any benefits or wages, paid to the plaintiff, in accordance with *Ala. Code* §§ 25-5-56 and 57 (1975).

SEVENTH DEFENSE

Defendant avers that any benefits paid by defendant were pursuant to *Ala. Code* § 25-5-56 (1975) without admission of liability while the claim was investigated and that defendant is entitled to a credit, offset, or reimbursement of said benefits.

EIGHTH DEFENSE

Defendant avers that it is entitled to a set-off pursuant to *Ala. Code* § 25-5-57(c)(1) for any benefits received by plaintiff pursuant to any disability plan, retirement plan, or any other plan providing for sick pay.

NINTH DEFENSE

Defendant avers that it is entitled to recovery of any compensation received by plaintiff which is attributed to any award of back pay either by a court, administrative agency, arbitration, or settlement, pursuant to *Ala. Code* § 25-5-57(c)(2).

TENTH DEFENSE

Defendant avers that it is entitled to a set-off for any salary or wage benefits paid to plaintiff, pursuant to *Ala. Code* § 25-5-57(c)(3).

ELEVENTH DEFENSE

Defendant avers that plaintiff suffered from pre-existing conditions that were neither caused nor aggravated by her employment.

TWELFTH DEFENSE

Defendant denies that plaintiff sustained any permanent injury as a consequence of the alleged accidents and avers that any disability is the result of pre-existing conditions which were not caused or permanently aggravated by the alleged accident.

THIRTEENTH DEFENSE

Defendant avers that plaintiff suffered from pre-existing injuries and infirmities which limit or bar any recovery herein.

FOURTEENTH DEFENSE

Defendant avers that *Ala. Code* § 25-5-58 (1975) bars or limits any recovery by plaintiff herein.

FIFTEENTH DEFENSE

Defendant avers that plaintiff's claims are barred by the doctrine of estoppel.

SIXTEENTH DEFENSE

Defendant asserts that plaintiff's claims are barred by the doctrine of unclean hands.

SEVENTEENTH DEFENSE

Defendant avers that the plaintiff's claims are barred by the doctrine of inconsistent positions.

EIGHTEENTH DEFENSE

Defendant avers that plaintiff's claims are barred by her representations or submissions to third parties that her medical conditions were not work related and were not caused by an accident arising out of and in the course of her employment.

NINETEENTH DEFENSE

Defendant avers that, to the extent that any medical treatment obtained by plaintiff was unauthorized, plaintiff is barred from recovery or reimbursement, pursuant to *Ala. Code* § 25-5-77 (1975).

TWENTIETH DEFENSE

Defendant avers that plaintiff is precluded from recovery for any medical expenses incurred pursuant to *Ala. Code* § 25-5-77 (1975).

TWENTY-FIRST DEFENSE

Defendant avers that plaintiff's seeking and receiving medical services from third party insurers of the plaintiff estops plaintiff from recovery under the Act.

TWENTY-SECOND DEFENSE

Defendant denies the allegations of plaintiff's Complaint not herein specifically admitted, and further denies any wrong doing and demands strict proof thereof.

AFFIRMATIVE AND OTHER DEFENSES TO COUNT TWO

TWENTY-THIRD DEFENSE

The complaint fails to state a claim upon which relief may be granted as to said defendant.

TWENTY-FOURTH DEFENSE

Said defendant is not guilty of the things and matters alleged in the complaint.

TWENTY-FIFTH DEFENSE

Any recovery against said defendant for plaintiff's claims is subject to the \$100,000 limitation on recovery contained in §§ 11-93-2, Code of Alabama (1975).

TWENTY-SIXTH DEFENSE

The injuries and damages of the Plaintiff were not caused by any wrongful act or omission of said defendant.

TWENTY-SEVENTH DEFENSE

No act or omission by this defendant proximately caused the injuries and damages sought by the plaintiff in this action.

TWENTY-EIGHTH DEFENSE

The injuries and damages complained of by the plaintiff in this case were not caused by any wrongful act or omission by this defendant, but instead were caused by a superceding and/or intervening occurrence.

TWENTY-NINTH DEFENSE

With regard to any claims for punitive damages alleged by plaintiff against said defendant in this action, the provisions of law of governing the right to recover punitive damages or the determination of the amount of punitive damages, violate the United States Constitution and/or the common law and/or the public policies of the United States on the following grounds:

a. It is a violation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution to impose punitive damages, which are penal in nature, against a civil defendant, upon the plaintiff satisfying a burden of proof which is less than the "beyond a reasonable doubt" standard required in criminal cases.

b. The procedures pursuant to which punitive damages are awarded fail to provide a reasonable limit on the amount of a punitive award against a defendant, which violates defendant's rights to due process as guaranteed by the United States Constitution.

c. The procedures pursuant to which punitive damages are awarded fail to provide specific standards for the award of punitive damages, which violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

d. The procedures pursuant to which punitive damages are awarded result in the imposition of different penalties for the same or similar acts, and thus, violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and the defendant's due process rights.

e. Plaintiff's claim for punitive damages against this defendant cannot be sustained because an award of punitive damages under Alabama law subject to no predetermined limit, such as a maximum multiple of compensatory damages or a maximum amount, on the amount of punitive damages that a jury may impose, including an amount possibly in excess of the amount authorized by the Alabama Criminal Code for the same or similar conduct, and providing no protection against awards of punitive damages for the same course of conduct, will violate these defendant's due

process and equal protection rights as guaranteed by the Fifth, Eighth and Fourteenth Amendments to the United States Constitution.

f. The procedures pursuant to which punitive damages are awarded permit the imposition of excessive fines in violation of the Eighth Amendment to the United States Constitution and in violation of these defendant's due process rights.

g. Plaintiff's claims for punitive damages against this defendant cannot be sustained because any award of punitive damages under Alabama law would violate this defendant's due process rights inasmuch as juries are allowed to award punitive damages as they see fit or as a matter of "moral discretion" without adequate or specific standards as to the amount necessary to punish and deter and without a necessary relationship to the amount of actual harm caused.

h. Plaintiff's claims of punitive damages and the provisions of Alabama law governing the right to recover punitive damages or the determination of punitive damages are unconstitutionally vague, indefinite and uncertain, and they deprive this defendant of due process of law.

i. Plaintiff's claims of punitive damages, and the provisions of Alabama law governing the right to recover punitive damages or the determination of punitive damages, cause this defendant to be treated differently from other similarly situated persons/entities by subjecting this defendant to liability beyond the actual loss, if any, caused by defendant's conduct, if any, and to liability determined without clearly defined principles, standards and limits on the amount of such awards.

j. Plaintiff's claims of punitive damages, and the provisions of Alabama law governing the right to recover punitive damages or the determination of punitive damages, subject this defendant to punishment for the condition of others through vicarious liability, respondeat superior, or through non-apportionment of damages among joint tortfeasors based on the respective enormity of their alleged misconduct, in violation of defendant's due process right and the Fifth and Fourteenth Amendments to the United States Constitution.

k. Plaintiff's claims for punitive damages, and the provisions of Alabama law governing the right to recover punitive damages or the determination of punitive damages, expose this defendant to the risk of indefinable, unlimited liability unrelated to the actual loss caused by defendant's conduct, creating a chilling effect on defendant's exercise of the right to a judicial resolution of this dispute.

l. Plaintiff is not entitled to recover punitive damages because it violates the self-incrimination clause of the Fifth Amendment to the United States Constitution to impose against this defendant's punitive damages, which are penal in nature, yet compel this defendant to disclose potentially incriminating documents and evidence.

m. An award of punitive damages in this case would constitute a deprivation of property without due process of law.

n. The procedures pursuant to which punitive damages are awarded are not rationally related to legitimate government interests.

o. The procedures pursuant to which punitive damages are awarded subject this defendant to punishment under a law not fully established before the alleged offense.

THIRTIETH DEFENSE

Defendant did not engage in any prohibited conduct toward plaintiff.

THIRTY-FIRST DEFENSE

Defendant affirmatively avers that all of its actions were taken in good faith.

THIRTY-SECOND DEFENSE

Defendant affirmatively pleads that it has complied with all of its obligations under the Alabama Worker's Compensation Act.

THIRTY-THIRD DEFENSE

Defendant avers that it took no actions against plaintiff solely because she instituted or maintained an action against the employer to obtain worker's compensation benefits.

THIRTY-FOURTH DEFENSE

Defendant's conduct toward and treatment of plaintiff was at all times based upon legitimate, non-retaliatory factors.

THIRTY-FIFTH DEFENSE

Plaintiff cannot prove any retaliatory conduct by defendant; alternatively, even if plaintiff could prove retaliatory conduct by defendant (which plaintiff cannot), defendant would have made the same decisions and taken the same actions without regard to any alleged discriminatory or retaliatory motive.

THIRTY-SIXTH DEFENSE

Plaintiff is not entitled to some or all of the relief requested in plaintiff's Complaint because, even if defendant was found to have considered any impermissible factors in any decisions or actions with respect to plaintiff (which defendant denies), no such decisions or actions were motivated by any impermissible factors.

THIRTY-SEVENTH DEFENSE

Plaintiff has failed to plead special damages with specificity as required by the Alabama Rules of Civil Procedure; therefore, she is barred from any recovery of special damages.

THIRTY-EIGHTH DEFENSE

To the extent that plaintiff may seek to recover punitive or exemplary damages against defendant in this matter, defendant states that it has not acted willfully, wantonly, recklessly, intentionally, outrageously, or with malice or oppression towards plaintiff.

THIRTY-NINTH DEFENSE

To the extent that plaintiff may seek to recover punitive or exemplary damages against defendant in this matter, defendant denies that it is guilty of any conduct which entitles plaintiff to recover punitive or exemplary damages, and further denies plaintiff can establish the elements and proof necessary to recover punitive or exemplary damages.

FORTIETH DEFENSE

Defendant reserves the right to amend its Answer to Plaintiff's Complaint to raise any additional defenses which may become subsequently known during the litigation of this case.



D. Edward Starnes, III (STA011)

Travis S. Jackson (JAC093)

Attorneys for the Defendant
Oasis Outsourcing, II, Inc.

LANIER FORD SHAVER & PAYNE P.C.
2101 West Clinton Avenue, Suite 102
P. O. Box 2087 [35804]
Huntsville, Alabama 35805
(256) 535-1100
Fax: (256) 533-9322
des@lanierford.com
tsj@lanierford.com

CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the Alabama Judicial System electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record who are not registered for electronic filing have been served by mail by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to them as follows, on this the 21st day of April, 2015:

J. Wilson Mitchell
SUTTLE MITCHELL & BURDINE
1905 Bruin Drive
Florence, Alabama 35630



Of Counsel



AlaFile E-Notice

41-CV-2014-900414.00

To: D. EDWARD STARNES III
des@lanierford.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following answer was FILED on 4/21/2015 10:46:13 AM

Notice Date: 4/21/2015 10:46:13 AM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



AlaFile E-Notice

41-CV-2014-900414.00

To: MITCHELL JAMES WILSON
jwm82256@aol.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following answer was FILED on 4/21/2015 10:46:13 AM

Notice Date: 4/21/2015 10:46:13 AM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



ELECTRONICALLY FILED
5/19/2015 12:58 PM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. CV-2014-900414-GPS
)	
OASIS OUTSOURCING, II, INC., <i>et al.</i> ,)	
)	
Defendants.)	

NOTICE OF SERVICE OF DISCOVERY

In accordance with Rule 5(d), Alabama Rules of Civil Procedure the following discovery materials were served on opposing counsel:

1. Defendant's First Interrogatories to Plaintiff (Workers' Compensation);
2. Defendant's First Request for Production of Documents to Plaintiff (Workers' Compensation);
3. Defendant's First Interrogatories to Plaintiff (Retaliatory Discharge); and
4. Defendant's First Request for Production of Documents to Plaintiff (Retaliatory Discharge).

D. Edward Starnes, III (STA011)
Travis S. Jackson (JAC093)

Attorneys for the Defendant
Oasis Outsourcing, II, Inc.

LANIER FORD SHAVER & PAYNE P.C.
2101 West Clinton Avenue, Suite 102
P. O. Box 2087 [35804]
Huntsville, Alabama 35805
(256) 535-1100
Fax: (256) 533-9322
des@lanierford.com
tsj@lanierford.com

CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the Alabama Judicial System electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record who are not registered for electronic filing have been served by mail by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to them as follows, on this the 19th day of May, 2015:

J. Wilson Mitchell
SUTTLE MITCHELL & BURDINE
1905 Bruin Drive
Florence, Alabama 35630

A handwritten signature in dark ink, appearing to read "J. Wilson Mitchell", is written over a horizontal line.

Of Counsel



AlaFile E-Notice

41-CV-2014-900414.00

To: D. EDWARD STARNES III
des@lanierford.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following discovery was FILED on 5/19/2015 12:58:57 PM

Notice Date: 5/19/2015 12:58:57 PM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



AlaFile E-Notice

41-CV-2014-900414.00

To: MITCHELL JAMES WILSON
jwm82256@aol.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following discovery was FILED on 5/19/2015 12:58:57 PM

Notice Date: 5/19/2015 12:58:57 PM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



ELECTRONICALLY FILED
7/1/2015 2:59 PM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE,

Plaintiff,

vs.

OASIS OUTSOURCING, II, INC.,

Defendants.

CIVIL ACTION NO. CV14-900414

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

TO: Clerk, Circuit Court
Lauderdale County Courthouse
Florence, Alabama 35630

Take notice that the undersigned has, this date, served on counsel for all parties, the following:

(✓) Notice of Request for Certified Medical Records:

1. Med Plus
2908 Mall Road
Florence, AL 35630
2. Dr. Lloyd Dyas
101 James Hovater Road
Russellville, AL 35653

D. Edward Starnes, III
Travis S. Jackson
Attorneys for Defendant

Of Counsel:

LANIER FORD SHAVER & PAYNE P.C.
Post Office Box 2087
Huntsville, Alabama 35804
(256) 535-1100
des@lanierford.com
tsj@lanierford.com

CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the Alabama Judicial System electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record listed below who are not registered for electronic filing have been served by mail by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to them as follows:

J. Wilson Mitchell
Mitchell, Burdine & Bernauer
1905 Bruin Drive
Florence, AL 35630

Dated this 1st day of July, 2015.



Of Counsel

[ng]K:\AMarks\mCeLURE,pAMELA [OasisOutsourcing]\NoticeServMBDDisc.wpd



AlaFile E-Notice

41-CV-2014-900414.00

To: D. EDWARD STARNES III
des@lanierford.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following discovery was FILED on 7/1/2015 2:59:57 PM

Notice Date: 7/1/2015 2:59:57 PM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



AlaFile E-Notice

41-CV-2014-900414.00

To: MITCHELL JAMES WILSON
jwm82256@aol.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following discovery was FILED on 7/1/2015 2:59:57 PM

Notice Date: 7/1/2015 2:59:57 PM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



ELECTRONICALLY FILED
7/7/2015 2:31 PM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN HIBBETT, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE,

Plaintiff,

vs.

OASIS OUTSOURCING, II, INC.,

Defendants.

CIVIL ACTION NO. CV14-900414

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

TO: Clerk, Circuit Court
Lauderdale County Courthouse
Florence, Alabama 35630

Take notice that the undersigned has, this date, served on counsel for all parties, the following:

(✓) Notice of Intent to Serve Subpoena on Non-Parties:

ECM Hospital
205 Marengo Street
Florence, AL 35630

Community Health Clinic
309 Handy Homes #B
Florence, AL 3530

Family Health Care Clinic
216 S. Marengo St., Ste A
Florence, AL 35630

D. Edward Starnes, III
Travis S. Jackson
Attorneys for Defendant

Of Counsel:

LANIER FORD SHAVER & PAYNE P.C.
Post Office Box 2087
Huntsville, Alabama 35804
(256) 535-1100
des@lanierford.com
tsj@lanierford.com

CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the Alabama Judicial System electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record listed below who are not registered for electronic filing have been served by mail by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to them as follows:

J. Wilson Mitchell
Mitchell, Burdine & Bernauer
1905 Bruin Drive
Florence, AL 35630

Dated this 7th day of July, 2015.



Of Counsel

[ng]K:\AMarks\mCcLURE,pAMELA [OasisOutsourcing]\NOSsub.wpd



AlaFile E-Notice

41-CV-2014-900414.00

To: D. EDWARD STARNES III
des@lanierford.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following discovery was FILED on 7/7/2015 2:32:19 PM

Notice Date: 7/7/2015 2:32:19 PM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov



AlaFile E-Notice

41-CV-2014-900414.00

To: MITCHELL JAMES WILSON
jwm82256@aol.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following discovery was FILED on 7/7/2015 2:32:19 PM

Notice Date: 7/7/2015 2:32:19 PM

MISSY HOMAN HIBBETT
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.hibbett@alacourt.gov

State of Alabama Unified Judicial System Form C-12 Rev 8/98	<h2 style="margin: 0;">SUBPOENA REQUEST FORM</h2>	Case Number CV14-900414
IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA		
Civil: <u>PAMELA MCCLURE</u> v. <u>OASIS OUTSOURCING, II, INC.</u> <div style="display: flex; justify-content: space-around; font-size: small;"> Plaintiff Defendant </div>		
Juvenile: In the matter of _____, a child		
Criminal: <input type="checkbox"/> State of Alabama v. _____ <input type="checkbox"/> Municipality of: _____ <div style="text-align: right; font-size: small;">Defendant</div>		
Court Date _____ Court Time _____ AM/PM Date Requested _____		
TO BE COMPLETED BY REQUESTOR		
The Clerk is requested to issue an Order to Appear (Subpoena) for each of the following witnesses for:		
<div style="display: flex; justify-content: space-between; font-size: small;"> <input type="checkbox"/> Plaintiff/State <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Grand Jury <input type="checkbox"/> Other </div>		
1. Name: ECM Hospital & E/R Home Address: 205 Marengo Street Florence, AL 35630 Telephone Number: Alternate Address: Alternate Telephone:		Date Issued: 8/4/15 Date Executed: Remarks:
2. Name: Family Health Care Clinic Home Address: 216 S. Marengo St., Ste A Florence, AL 35630 Telephone Number: Alternate Address: Alternate Telephone:		Date Issued: 8/4/15 Date Executed: Remarks:
3. Name: Home Address: Telephone Number: Alternate Address: Alternate Telephone:		Date Issued: Date Executed: Remarks:
4. Name: Home Address: Telephone Number: Alternate Address: Alternate Telephone:		Date Issued: Date Executed: Remarks:
5. Name: Home Address: Telephone Number: Alternate Address: Alternate Telephone:		Date Issued: Date Executed: Remarks:
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> METHOD OF SERVICE REQUESTED <input type="checkbox"/> Personal <input type="checkbox"/> Other <div style="display: flex; align-items: center; margin-top: 10px;"> 8/4/15 Missy Homan Hibbett </div> <div style="display: flex; justify-content: space-between; font-size: x-small; margin-top: 5px;"> Date Clerk </div> </div> <div style="width: 45%;"> Party Requesting Subpoena Oasis Outsourcing, II, Inc. <div style="display: flex; align-items: center; margin-top: 10px;"> Charles D. Jackson </div> <div style="display: flex; justify-content: space-between; font-size: x-small; margin-top: 5px;"> Signature 256.535.1100 </div> <div style="display: flex; justify-content: space-between; font-size: x-small; margin-top: 5px;"> Requestor Phone Number </div> </div> </div>		

Filed in Office

JUL 27 2015

Missy Homan Hibbett

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE,

Plaintiff,

vs.

OASIS OUTSOURCING, II, INC.,

Defendants.

CIVIL ACTION NO. CV14-900414

CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS, ETC., UNDER
RULE 45, ALABAMA CIVIL RULES OF PROCEDURE

TO: ECM Hospital & E/R
205 Marengo Street
Florence, AL 35630

You are hereby notified to comply within fifteen (15) days after service of this subpoena with the following request by the Defendant, Oasis Outsourcing, II, Inc.:

That you produce and permit Defendant or its attorneys to inspect and copy the following documents:

Any and all records, letters, reports, charts, notes, x-ray reports, history sheets, billing and insurance information, forms completed by the patient or agents for the patient, or similar documents on **Pamela McClure**, SSN: 418-96-2657; DOB: 1/1/60; any letters or correspondence or medical information received by you from any other physicians who have treated said patient; and to include Patient Intake sheet, medical history and pain questionnaire, history and physical reports, consultation reports, operative notes, radiology reports and discharge summaries.

Said inspection and copying shall be conducted in your office within said fifteen (15) days, or at such other time or place as may be mutually agreed upon between you and Defendant's attorney named below. You have a right to object at any time prior to the expiration of said fifteen (15) day period. Alternatively, you may copy the records in question and mail them directly to D. Edward Starnes, III or Travis S. Jackson of Lanier Ford Shaver & Payne P.C., at his address, LANIER FORD SHAVER & PAYNE P.C., Post Office Box 2087, Huntsville, Alabama 35804. Defendant's attorney agrees to pay all reasonable expenses incurred by you in connection with production of such documents at said time and place.

Dated this 4 day of August, 2015.

Missy Thomas Hildt
Clerk of Circuit Court

RECEIVED

AUG 04 2015

LAUDERDALE COUNTY
SHERIFF'S OFFICE

D. E. Jackson
 D. Edward Starnes, III
 Travis S. Jackson
 Attorneys for Defendant

Of Counsel:

LANIER FORD SHAVER & PAYNE P.C.
 2101 West Clinton Avenue, Suite 102
 Post Office Box 2087
 Huntsville, Alabama 35804
 (256) 535-1100
des@lanierford.com
tsj@lanierford.com

Filed in Office

JUL 27 2015

Missy Hester

I certify that I personally served a copy of this subpoena to
 _____ on the 5 day of Aug, 2015.

S. Abston

[ng]K:\AMarks\mCCLURE, PAMELA [OasisOutsourcing]\ECMEub.wpd

LAUDERDALE COUNTY SHERIFF'S DEPT.

Date of Attempt: _____
 Dates of Attempt: _____
 Date of Attempt: _____
 () Bad Address
 () No Such Number
 () Moved
 () House Vacant
 () Send to _____ County

Remarks: _____

Return Date: _____

Deputy's Signature: _____

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE,

Plaintiff,

vs.

OASIS OUTSOURCING, II, INC.,

Defendants.

CIVIL ACTION NO. CV14-900414

**CIVIL SUBPOENA FOR PRODUCTION OF DOCUMENTS, ETC., UNDER
RULE 45, ALABAMA CIVIL RULES OF PROCEDURE**

TO: Family Health Care Clinic
216 S. Marengo St., Ste A
Florence, AL 35630

You are hereby notified to comply within fifteen (15) days after service of this subpoena with the following request by the Defendant, Oasis Outsourcing, II, Inc.:

That you produce and permit Defendant or its attorneys to inspect and copy the following documents:

Any and all records, letters, reports, charts, notes, x-ray reports, history sheets, billing and insurance information, forms completed by the patient or agents for the patient, or similar documents on **Pamela McClure**, SSN: 418-96-2657; DOB: 1/1/60; any letters or correspondence or medical information received by you from any other physicians who have treated said patient; and to include Patient Intake sheet, medical history and pain questionnaire, history and physical reports, consultation reports, operative notes, radiology reports and discharge summaries.

Said inspection and copying shall be conducted in your office within said fifteen (15) days, or at such other time or place as may be mutually agreed upon between you and Defendant's attorney named below. You have a right to object at any time prior to the expiration of said fifteen (15) day period. Alternatively, you may copy the records in question and mail them directly to D. Edward Starnes, III or Travis S. Jackson of Lanier Ford Shaver & Payne P.C., at his address, LANIER FORD SHAVER & PAYNE P.C., Post Office Box 2087, Huntsville, Alabama 35804. Defendant's attorney agrees to pay all reasonable expenses incurred by you in connection with production of such documents at said time and place.

Dated this 4 day of August, 2015.

W. H. H. H.
Clerk of Court

RECEIVED

AUG 04 2015

LAUDERDALE COUNTY
SHERIFF DEPT

Travis S. Jackson

D. Edward Starnes, III
Travis S. Jackson
Attorneys for Defendant

Of Counsel:

LANIER FORD SHAVER & PAYNE P.C.
2101 West Clinton Avenue, Suite 102
Post Office Box 2087
Huntsville, Alabama 35804
(256) 535-1100
des@lanierford.com
tsj@lanierford.com

Filed in Office

JUL 27 2015

Ulling, Hank

I certify that I personally served a copy of this subpoena to
_____ on the 5 day of Aug., 2015.

S. Abstr

[ng]K:\AMark\mCoLUKE, PAMELA (OasisOutsourcing)\FamilyHealth809.wpd

LAUDERDALE COUNTY SHERIFF'S DEPT.

Date of Attempt: _____

Dates of Attempt: _____

Date of Attempt: _____

() Bad Address

() No Such Number

() Moved

() House Vacant

() Send to _____ County

Remarks: _____

Return Date: _____

Deputy's Signature: _____



ELECTRONICALLY FILED
8/27/2015 12:35 PM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE,

Plaintiff,

vs.

OASIS OUTSOURCING, II, INC., et al.,

Defendant.

CIVIL ACTION NO. CV14-900414

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

TO: Clerk, Circuit Court
Lauderdale County Courthouse
Florence, Alabama

Take notice that the undersigned has, this date, served on counsel for all parties, the following:

- (✓) Defendant's Answers to Plaintiff's Interrogatories
- (✓) Defendant's Response to Plaintiff's Request for Production

A handwritten signature in dark ink, appearing to read "D. Edward Starnes, III", written over a horizontal line.

D. Edward Starnes, III (STA011)
Attorney for Defendant

Of Counsel:


LANIER FORD SHAVER & PAYNE P.C.
Post Office Box 2087
Huntsville, Alabama 35804
(256) 535-1100
des@lanierford.com

CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the Alabama Judicial System electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record listed below who are not registered for electronic filing have been served by mail by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to them as follows:

J. Wilson Mitchell
Mitchell, Burdine & Bernauer
1905 Bruin Drive
Florence, AL 35630

Dated this 27th day of August, 2015.



Of Counsel

[ng]K:\AMarks\mCcLURE,pAMELA [OasisOutsourcing]\nos.dis.wpd



AlaFile E-Notice

41-CV-2014-900414.00

To: D. EDWARD STARNES III
des@lanierford.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following discovery was FILED on 8/27/2015 12:35:54 PM

Notice Date: 8/27/2015 12:35:54 PM

MISSY HOMAN
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.homan@alacourt.gov



AlaFile E-Notice

41-CV-2014-900414.00

To: MITCHELL JAMES WILSON
jwm82256@aol.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following discovery was FILED on 8/27/2015 12:35:54 PM

Notice Date: 8/27/2015 12:35:54 PM

MISSY HOMAN
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728
missy.homan@alacourt.gov

DOCUMENT 33

STATE OF ALABAMA Unified Judicial System 41-LAUDERDALE		Revised 3/5/08 <input type="checkbox"/> District Court <input checked="" type="checkbox"/> Circuit Court	Case No. CV2015-0001 ELECTRONICALLY FILED 9/29/2015 9:25 AM 41-CV-2014-900414.00 CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA MISSY HOMAN, CLERK
PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.		CIVIL MOTION COVER SHEET Name of Filing Party: D001 - OASIS OUTSOURCING, II, INC.	
Name, Address, and Telephone No. of Attorney or Party, If Not Represented. D. EDWARD STARNES III 2101 W. Clinton Ave., Suite 102 HUNTSVILLE, AL 35805 Attorney Bar No.: STA011		<input type="checkbox"/> Oral Arguments Requested	
TYPE OF MOTION			
Motions Requiring Fee <input type="checkbox"/> Default Judgment (\$50.00) Joinder in Other Party's Dispositive Motion (i.e. Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Judgment on the Pleadings (\$50.00) <input type="checkbox"/> Motion to Dismiss, or in the Alternative Summary Judgment (\$50.00) Renewed Dispositive Motion (Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) <input type="checkbox"/> Summary Judgment pursuant to Rule 56 (\$50.00) <input type="checkbox"/> Motion to Intervene (\$297.00) <input type="checkbox"/> Other _____ pursuant to Rule _____ (\$50.00) *Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees. <input type="checkbox"/> Local Court Costs \$ 0.00		Motions Not Requiring Fee <input type="checkbox"/> Add Party <input type="checkbox"/> Amend <input type="checkbox"/> Change of Venue/Transfer <input checked="" type="checkbox"/> Compel <input type="checkbox"/> Consolidation <input type="checkbox"/> Continue <input type="checkbox"/> Deposition <input type="checkbox"/> Designate a Mediator <input type="checkbox"/> Judgment as a Matter of Law (during Trial) <input type="checkbox"/> Disburse Funds <input type="checkbox"/> Extension of Time <input type="checkbox"/> In Limine <input type="checkbox"/> Joinder <input type="checkbox"/> More Definite Statement <input type="checkbox"/> Motion to Dismiss pursuant to Rule 12(b) <input type="checkbox"/> New Trial <input type="checkbox"/> Objection of Exemptions Claimed <input type="checkbox"/> Pendente Lite <input type="checkbox"/> Plaintiff's Motion to Dismiss <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Protective Order <input type="checkbox"/> Quash <input type="checkbox"/> Release from Stay of Execution <input type="checkbox"/> Sanctions <input type="checkbox"/> Sever <input type="checkbox"/> Special Practice in Alabama <input type="checkbox"/> Stay <input type="checkbox"/> Strike <input type="checkbox"/> Supplement to Pending Motion <input type="checkbox"/> Vacate or Modify <input type="checkbox"/> Withdraw <input type="checkbox"/> Other _____ pursuant to Rule _____ (Subject to Filing Fee)	
Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees) <input type="checkbox"/>		Date: 9/29/2015 9:25:18 AM Signature of Attorney or Party: /s/ D. EDWARD STARNES III	

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



ELECTRONICALLY FILED
9/29/2015 9:25 AM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. CV-2014-900414-GPS
)	
OASIS OUTSOURCING, II, INC., <i>et al.</i> ,)	
)	
Defendants.)	

MOTION TO COMPEL

Comes now the Defendant, Oasis Outsourcing, II, Inc., pursuant to A.R.C.P. Rule 37(a)(2), who moves the Court to enter an Order compelling the Plaintiff to respond to Interrogatories and a Request for Production served on Plaintiff on May 19, 2015.

As grounds therefore, Defendant would show the Court as follows:

1. Plaintiff was served with two sets of Interrogatories and a Request for Production, one related to the workers' compensation claim and one related to the retaliatory discharge claim on May 19, 2015.
2. Plaintiff's responses were due on or before June 18, 2015.
3. Plaintiff did not timely respond to Defendant's discovery.
4. Pursuant to A.R.C.P. Rule 37(a)(2), Defendant has communicated with Plaintiff's counsel and has requested that the Plaintiff respond to the discovery by a date certain.
5. Plaintiff has failed and/or refused to respond to Defendant's discovery requests.

Wherefore, Defendant moves the Court to enter an Order compelling plaintiff to respond to Defendant's Interrogatories and Request for Production within 15 days.



D. Edward Starnes, III (STA011)
Travis S. Jackson (JAC093)

Attorneys for the Defendant
Oasis Outsourcing, II, Inc.

LANIER FORD SHAVER & PAYNE P.C.
2101 West Clinton Avenue, Suite 102
P. O. Box 2087 [35804]
Huntsville, Alabama 35805
(256) 535-1100
Fax: (256) 533-9322
des@lanierford.com
tsj@lanierford.com

CERTIFICATE OF SERVICE

I certify that I have filed the foregoing with the Clerk of the Court using the Alabama Judicial System electronic filing system which will send notification of such filing to those parties of record who are registered for electronic filing, and further certify that those parties of record who are not registered for electronic filing have been served by mail by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to them as follows, on this the 29th day of September, 2015:

J. Wilson Mitchell
SUTTLE MITCHELL & BURDINE
1905 Bruin Drive
Florence, Alabama 35630



Of Counsel



AlaFile E-Notice

41-CV-2014-900414.00

Judge: GILBERT P SELF

To: D. EDWARD STARNES III
des@lanierford.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following matter was FILED on 9/29/2015 9:25:45 AM

D001 OASIS OUTSOURCING, II, INC.

MOTION TO COMPEL

[Filer: STARNES DEWEY EDWARD III]

Notice Date: 9/29/2015 9:25:45 AM

MISSY HOMAN
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728



AlaFile E-Notice

41-CV-2014-900414.00

Judge: GILBERT P SELF

To: MITCHELL JAMES WILSON
jwm82256@aol.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following matter was FILED on 9/29/2015 9:25:45 AM

D001 OASIS OUTSOURCING, II, INC.

MOTION TO COMPEL

[Filer: STARNES DEWEY EDWARD III]

Notice Date: 9/29/2015 9:25:45 AM

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CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

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9/29/2015 1:01 PM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

MCCLURE PAMELA E.,

)

Plaintiff,

)

)

V.

)

Case No.: CV-2014-900414.00

)

OASIS OUTSOURCING, II, INC.,

)

Defendant.

)

ORDER

The Defendant's Motion to Compel is GRANTED in part. The Plaintiff is allowed 21 days to fully and incompetently answer and respond to both sets of interrogatories and the request for production.

DONE this 29th day of September, 2015.

/s/ GILBERT P SELF

CIRCUIT JUDGE



AlaFile E-Notice

41-CV-2014-900414.00

Judge: GILBERT P SELF

To: MITCHELL JAMES WILSON
jwm82256@aol.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

A court action was entered in the above case on 9/29/2015 1:01:53 PM

ORDER

[Filer:]

Disposition: GRANTED
Judge: GPS

Notice Date: 9/29/2015 1:01:53 PM

MISSY HOMAN
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728



AlaFile E-Notice

41-CV-2014-900414.00

Judge: GILBERT P SELF

To: STARNES DEWEY EDWARD III
des@lanierford.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

A court action was entered in the above case on 9/29/2015 1:01:53 PM

ORDER

[Filer:]

Disposition: GRANTED

Judge: GPS

Notice Date: 9/29/2015 1:01:53 PM

MISSY HOMAN
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728



ELECTRONICALLY FILED
10/2/2015 12:24 PM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN, CLERK

STATE OF ALABAMA

IN THE CIRCUIT COURT

LAUDERDALE COUNTY

CASE NO. CV-2014-900414

PAMELA E. MCCLURE,

Plaintiff,

v.

OASIS OUTSOURCING, II, INC.,

and defendants "A", "B" and "C", said
defendants "A", "B" and "C" being the
correct legal designation of Oasis
Outsourcing, II, Inc. and/or being the
correct legal designation of the
employer of plaintiff on or about January
22, 2012, for on or about any period of
time material herein, including the date
of injury forming the basis of this Worker's
compensation action, and being the person,
firm or corporation who wrongfully
terminated plaintiff forming the basis of
Count Two herein, whose names are
otherwise unknown to plaintiff but will
be added by amendment hereto when
ascertained,

Defendants.

FIRST AMENDED COMPLAINT

COUNT ONE - WORKER'S COMPENSATION BENEFITS

1. Plaintiff Pamela E. McClure is a resident citizen of Lauderdale County, Alabama, and is over the age of nineteen (19) years.
2. Defendant Oasis Outsourcing, II, Inc. is upon information and belief a foreign corporation regularly conducting business in the state of Alabama as Holiday Inn Express at 180 Etta Gray Street, Florence, Alabama 35630.
3. Defendants "A", "B" and "C" being the correct legal designation of

defendant Oasis Outsourcing II, Inc. and/or being the correct legal designation of the employer of plaintiff on or about January 22, 2012 and/or July 1, 2014, and/or for on or about any period of time material herein, including the date of injury forming the basis of this Worker's Compensation action, and being the person, firm or corporation who wrongfully terminated plaintiff forming the basis of Count Two herein, whose names are otherwise unknown to plaintiff but will be added by amendment hereto when ascertained.

4. On or about January 22, 2012, while in the line and scope of her employment with defendant, plaintiff sustained an on the job injury, including, but not limited to right shoulder, requiring medical treatment, and surgery on or about September 13, 2012, and will require future medical treatment, future surgery, causing permanent, partial disability, and/or causing plaintiff permanent total disability, and/or causing plaintiff diminished capacity to the body as a whole.

5. While working for defendant, plaintiff had an average weekly wage of approximately \$412.00.

6. As a direct and proximate consequence of the said work related injury, plaintiff has been caused to suffer permanent diminished ability to her right shoulder, her right arm, her left shoulder, her left arm, her neck, spine, and suffered permanent substantial adverse consequences to the body as a whole.

7. As a direct and proximate consequence of said injuries, that plaintiff sustained herein, plaintiff is now, and continues to be temporarily and totally disabled and/or permanently and partially disabled and/or permanently totally disabled.

8. Defendant received actual notice of said work related injury, and is paying for and has paid for medical treatment and surgery for same, and defendant has been paid

temporary total disability payments, for six to eight weeks following the September 13, 2012 surgery to plaintiff's right shoulder.

9. THEREFORE, plaintiff prays for the following relief:

(a) That this Honorable Court will authorize and confirm the employment of J. Wilson Mitchell of the firm of Mitchell, Burdine & Bernauer as attorney for plaintiff and will accept this verified pleading as the sworn testimony of plaintiff for the relief prayed for; and

(b) That this Honorable Court will award plaintiff from defendant Oasis Outsourcing, II, Inc. "A", "B" and "C".

(1) Unpaid temporary total disability benefits due;

(2) Permanent partial disability benefits due;

(3) Permanent total disability benefits due;

(4) Payments for medical benefits past, present and future;

(5) Payment for vocational rehabilitation; and

(6) For such other, further, or different relief as to which plaintiff may be entitled under the Worker's Compensation Laws of the State of Alabama, plus interest, costs, and a reasonable attorney's fee.

COUNT TWO - WRONGFUL TERMINATION

10. Plaintiff reasserts Paragraphs 1-9 as though fully set out herein and in addition thereto asserts the following.

11. On or about July 1, 2014 defendant unlawfully terminated the employment of plaintiff with defendant in violation of Alabama Code Section 25-5-11.1.

12. As a proximate consequence of the unlawful and/or wrongful termination

plaintiff suffered the loss of income, the loss of employment, and will so suffer into the future, suffered loss of benefits, and will suffer into the future and suffered mental anguish, emotional distress, and other damages according to proof.

13. THEREFORE, plaintiff demands judgment against defendant Oasis Outsourcing, II, Inc. "A", "B" and "C" in an amount to be determined by the trier of fact herein, said amount to be in excess of the jurisdictional requirements of this Honorable Court, as both compensatory and punitive damages, plus interest, costs, an attorney's fee, and for such other, further or different relief as to which plaintiff is entitled.

COUNT THREE -DISABILITY DISCKIMINATION

JURISDICTION AND VENUE

14. Plaintiff reasserts the allegations of Counts One and Two of plaintiff's original Complaint as though fully set out herein, and in addition thereto asserts the following:

15. This Count Three of plaintiff's First Amended Complaint is brought pursuant to the Americans with Disabilities Act 42 U.S.C. Section 12101, et seq. Venue is proper.

PARTIES

16. Plaintiff Pamela E. McClure is a resident citizen of Lauderdale County, Alabama, and is over the age of nineteen (19) years, and plaintiff was formerly employed by defendant at its business location in Lauderdale County, Alabama.

17. Defendant Oasis Outsourcing II, Inc. is upon information and belief a foreign corporation regularly conducting business in Lauderdale County, Alabama d/b/a Holiday Inn Express, and at all times relevant to this action employed at least fifteen (15)

employees, and defendant was plaintiff's employer for purposes of the allegations contained herein.

ADMINISTRATIVE PROCEDURES

18. Within 180 days of the act of discrimination (disability discrimination), of which plaintiff complains in Count Three herein, plaintiff timely filed a Charge of Discrimination with the U. S. Equal Employment Opportunity Commission, having Charge No. 846-2014-38035, a copy of which is attached hereto as Exhibit "A", and which is incorporated by reference as though fully set out herein.

19. Plaintiff received a Dismissal and Notice of Rights (Right to Sue Letter) from the EEOC dated July 30, 2015, a copy of which is attached hereto as Exhibit "B", and which is incorporated by reference as though fully set out herein, which authorized suit.

STATEMENT OF CLAIM

20. Plaintiff was employed by defendant at defendant's business location in Lauderdale County, Alabama d/b/a Holiday Inn Express at 180 Etta Gray Street, Florence, Alabama 35630 with a hire in date of on or about November 3, 2010 in the position of housekeeper.

21. Plaintiff adequately performed the duties of the housekeeping department for defendant.

22. On or about or around February 22, 2012, while in the line and scope of employment with defendant plaintiff sustained an on the job injury including but not limited to injury to plaintiff's right shoulder, requiring medical treatment, and surgery.

23. On or about September 13, 2012 after receiving treatment for said injury,

plaintiff was returned to work with restrictions.

24. On or about July 1, 2014 defendant wrongfully terminated plaintiff's employment in violation of the Americans with Disabilities Act, Glenda Gilliam telling plaintiff she was fired because "I didn't know your injury was going to be permanent."

25. Defendant's wrongful conduct was intentional, or was malicious, or was done with reckless indifference to the federally protected rights of plaintiff so as to justify imposition of punitive damages pursuant to 42 U.S.C. Section 1981a (b) (1).

26. As a proximate consequence of the wrongful and unlawful actions by defendant, plaintiff suffered and continues to suffer actual loss of earnings, diminished earning capacity in the future, loss of future earnings, incurred expenses in seeking other employment, loss of past and future benefits, suffered mental anguish, suffered emotional distress, and other damages according to proof.

PRAYER FOR RELIEF

27. THEREFORE, plaintiff prays that this Court:

A. Will assume jurisdiction of plaintiff's First Amended Complaint;

B. Enter a declaratory judgment declaring that defendant's actions are violative of plaintiff's rights pursuant to the federal statute cited herein;

C. Award compensatory damages in an amount proven by plaintiff to compensate plaintiff for loss of wages, mental anguish, emotional distress, and other damages as set forth above, plus an award of punitive damages based upon defendant's conduct;

D. Enter an injunctive order requiring plaintiff to be reinstated to her position of employment with defendant with back benefits equivalent to the position plaintiff

would have had to not refused to return plaintiff to work and had not wrongfully terminated plaintiff's employment;

E. Award plaintiff back-pay and/or front-pay in lieu of reinstatement and award plaintiff such other, further or different relief as to which plaintiff is entitled including but limited to nominal damages, interest, costs, and a reasonable attorney's fee.

Respectfully submitted,


Pamela E. McClure

Sworn to and subscribed before me on this the 25th day of September, 2015.


Notary Public
My Commission Expires 1-7-18



J. Wilson Mitchell (MIT016)
Attorney for plaintiff
Pamela E. McClure

MITCHELL, BURDINE & BERNAUER
1905 Bruin Drive
Florence, AL 35630

(256) 767-4900

CERTIFICATE OF SERVICE

I do hereby certify that on the 2nd day of October, 2015, I have served a true and correct copy of the above and foregoing pleading on all counsel or parties of record by either filing the same electronically where available or by placing the same in the United States Postal Service, postage prepaid and properly addressed.



J. Wilson Mitchell

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

846-2014-38035

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Ms. Pamela E. McClure

Home Phone (Incl. Area Code)

(256) 443-4792

Date of Birth

01-01-1960

Street Address

City, State and ZIP Code

1041 Wood Avenue, Apt. A, Florence, AL 35630

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

HOLIDAY INN EXPRESS

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(256) 246-2200

Street Address

City, State and ZIP Code

180 Etta Gray Street, Florence, AL 35630

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐

RACE

☐

COLOR

☐

SEX

☐

RELIGION

☐

NATIONAL ORIGIN

☐

RETALIATION

☐

AGE

☒

DISABILITY

☐

GENETIC INFORMATION

☐

OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

07-01-2014

07-01-2014

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I was hired by the above named employer on November 3, 2010, in the position of House Keeper. I performed my duties without complaints. In February 2012, I suffered an on-the-job injury. As a result, my doctor placed me on restrictions. I returned to work and performed my duties without incident until on July 1, 2014, when I visited my doctor again about the injury. After the visit, I received a telephone call from Glenda Gilliam, General Manager, who informed me that I was being terminated because of my restrictions, which I had been working under since 2012 without any problems. At all times, I was able to perform the essential functions of my job.

I believe that I was discriminated against and terminated because my employer regarded me as being disabled, in violation of the Americans With Disabilities Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

10-23-14

Date

Pamela McClure

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EXHIBIT

A

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Pamela E. McClure
1041 Wood Avenue
Apt. A
Florence, AL 35530

From: Birmingham District Office
Ridge Park Place
1130 22nd Street
Birmingham, AL 35205



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

846-2014-38035

LATOYA A. LOWE,
Investigator

(205) 212-2137

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

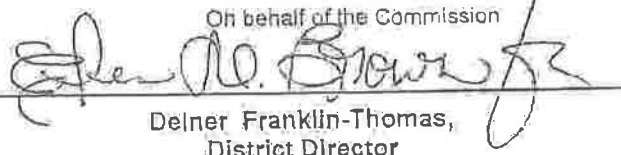
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission


Delner Franklin-Thomas,
District Director

JUL 30 2015

Enclosures(s)

(Date Mailed)

cc: Holiday Inn Express
C/O Kimberly R. Ward
JACKSON LEWIS, PC
First Commercial Bank Building
800 Shades Crest Pkwy, Suite 870
Birmingham, AL 35209

EXHIBIT

"B"



AlaFile E-Notice

41-CV-2014-900414.00

To: J WILSON MITCHELL
jwm82256@aol.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following complaint was FILED on 10/2/2015 12:24:37 PM

Notice Date: 10/2/2015 12:24:37 PM

MISSY HOMAN
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728



AlaFile E-Notice

41-CV-2014-900414.00

To: STARNES DEWEY EDWARD III
des@lanierford.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

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ELECTRONICALLY FILED
10/2/2015 12:35 PM
41-CV-2014-900414.00
CIRCUIT COURT OF
LAUDERDALE COUNTY, ALABAMA
MISSY HOMAN, CLERK

STATE OF ALABAMA

IN THE CIRCUIT COURT

LAUDERDALE COUTNY

CASE NO. CV-2014-900414-OPS

PAMELA E. MCCLURE,

Plaintiff,

v.

OASIS OUTSOURCING II, INC.,

Defendant.

PLAINTIFF'S NOTICE OF RESPONSE TO DISCOVERY REQUESTS

I. TAKE NOTICE that plaintiff Pamela E. McClure has responded to defendant's First Set of Interrogatories (Worker's Compensation), First Set of Interrogatories (Retaliatory Discharge), First Request for Production (Worker's Compensation), and First Request for Production (Retaliatory Discharge).

Done this the 2 day of October, 2015.

Respectfully submitted,

J. Wilson Mitchell (M11016)

Attorney for plaintiff

Pamela E. McClure

MITCHELL, BURDINE & BERNAUER

1905 Bruin Drive

Florence, AL 35631

256-757-4900

CERTIFICATE OF SERVICE

I do hereby certify that on the 2 day of October, 2015, I have served a true and correct copy of the above and foregoing pleading on all counsel or parties of record by either filing the same electronically where available or by placing the same in the United States Postal Service, postage prepaid and properly addressed.



J. Wilson Mitchell



AlaFile E-Notice

41-CV-2014-900414.00

To: J WILSON MITCHELL
jwm82256@aol.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

The following discovery was FILED on 10/2/2015 12:35:40 PM

Notice Date: 10/2/2015 12:35:40 PM

MISSY HOMAN
CIRCUIT COURT CLERK
LAUDERDALE COUNTY, ALABAMA
200 SOUTH COURT STREET
FLORENCE, AL 35630

256-760-5728



AlaFile E-Notice

41-CV-2014-900414.00

To: STARNES DEWEY EDWARD III
des@lanierford.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

PAMELA E. MCCLURE V. OASIS OUTSOURCING, II, INC.
41-CV-2014-900414.00

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MISSY HOMAN
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